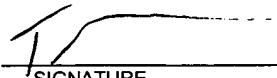


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<b>TRANSMITTAL LETTER TO THE UNITED STATES DESIGNATED/ELECTED OFFICE (DO/EO/US) CONCERNING A SUBMISSION UNDER 35 U.S.C. 371</b>		ATTORNEY'S DOCKET NUMBER 72.100
INTERNATIONAL APPLICATION NO. PCT/EP03/09822	INTERNATIONAL FILING DATE 4 September 2003	U.S. APPLICATION NO. (If known, see 37 CFR 1.5) <b>111-526265</b>
PRIORITY DATE CLAIMED 5 September 2002		
TITLE OF INVENTION <b>Vibration Exciter for Soil Compacting Devices</b>		
APPLICANT(S) FOR DO/EO/US <b>Wacker Construction Equipment AG</b>		
Applicant herewith submits to the United States Designated/Elected Office (DO/EO/US) the following items and other information:		
<p>1. <input checked="" type="checkbox"/> This is a <b>FIRST</b> submission of items concerning a submission under 35 U.S.C. 371.</p> <p>2. <input type="checkbox"/> This is a <b>SECOND</b> or <b>SUBSEQUENT</b> submission of items concerning a submission under 35 U.S.C. 371.</p> <p>3. <input type="checkbox"/> This is an express request to begin national examination procedures (35 U.S.C. 371(f)). The submission must include items (5), (6), (9) and (21) indicated below.</p> <p>4. <input checked="" type="checkbox"/> The US has been elected (Article 31).</p> <p>5. <input checked="" type="checkbox"/> A copy of the International Application as filed (35 U.S.C. 371(c)(2))           <ul style="list-style-type: none"> <li>a. <input type="checkbox"/> is attached hereto (required only if not communicated by the International Bureau).</li> <li>b. <input checked="" type="checkbox"/> has been communicated by the International Bureau.</li> <li>c. <input type="checkbox"/> is not required, as the application was filed in the United States Receiving Office (RO/US).</li> </ul> </p> <p>6. <input checked="" type="checkbox"/> An English language translation of the International Application as filed (35 U.S.C. 371(c)(2))           <ul style="list-style-type: none"> <li>a. <input checked="" type="checkbox"/> is attached hereto.</li> <li>b. <input type="checkbox"/> has been previously submitted under 35 U.S.C. 154(d)(4).</li> </ul> </p> <p>7. <input checked="" type="checkbox"/> Amendments to the claims of the International Application under PCT Article 19 (35 U.S.C. 371(c)(3))           <ul style="list-style-type: none"> <li>a. <input type="checkbox"/> are attached hereto (required only if not communicated by the International Bureau).</li> <li>b. <input checked="" type="checkbox"/> have been communicated by the International Bureau.</li> <li>c. <input type="checkbox"/> have not been made; however, the time limit for making such amendments has NOT expired.</li> <li>d. <input type="checkbox"/> have not been made and will not be made.</li> </ul> </p> <p>8. <input checked="" type="checkbox"/> An English language translation of the amendments to the claims under PCT Article 19 (35 U.S.C. 371(c)(3)).</p> <p>9. <input type="checkbox"/> An oath or declaration of the inventor(s) (35 U.S.C. 371(c)(4)).</p> <p>10. <input type="checkbox"/> An English language translation of the annexes of the International Preliminary Examination Report under PCT Article 36 (35 U.S.C. 371(c)(5)).</p>		
Items 11 to 20 below concern document(s) or information included:		
<p>11. <input checked="" type="checkbox"/> An Information Disclosure Statement under 37 CFR 1.97 and 1.98.</p> <p>12. <input checked="" type="checkbox"/> An assignment document for recording. A separate cover sheet in compliance with 37 CFR 3.28 and 3.31 is included.</p> <p>13. <input checked="" type="checkbox"/> A preliminary amendment.</p> <p>14. <input type="checkbox"/> An Application Data Sheet under 37 CFR 1.76.</p> <p>15. <input type="checkbox"/> A substitute specification.</p> <p>16. <input type="checkbox"/> A power of attorney and/or change of address letter.</p> <p>17. <input type="checkbox"/> A computer-readable form of the sequence listing in accordance with PCT Rule 13ter.2 and 37 CFR 1.821- 1.825.</p> <p>18. <input type="checkbox"/> A second copy of the published International Application under 35 U.S.C. 154(d)(4).</p> <p>19. <input type="checkbox"/> A second copy of the English language translation of the international application under 35 U.S.C. 154(d)(4).</p> <p>20. <input checked="" type="checkbox"/> Other items or information: <b>Appointment of Domestic Representative</b></p>		

This collection of information is required by 37 CFR 1.414 and 1.491-1.492. The information is required to obtain or retain a benefit by the public, which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to take 15 minutes to complete, including gathering information, preparing, and submitting the completed form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Mail Stop PCT, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

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U.S. APPLICATION NO. (if known, see 37 CFR 1.45)		INTERNATIONAL APPLICATION NO.		ATTORNEY'S DOCKET NUMBER					
10/526265		PCT/EP03/09822		72.100					
21. The following fees are submitted:									
<input checked="" type="checkbox"/> a) Basic national fee.....		\$300.00		\$ 300.00					
<input checked="" type="checkbox"/> b) Examination fee.....		\$200.00		\$ 200.00					
<input checked="" type="checkbox"/> c) Search fee.....		\$500.00		\$ 500.00					
<b>TOTAL OF ABOVE CALCULATIONS =</b>				<b>\$1000.00</b>					
<input type="checkbox"/> Additional fee for specification and drawings filed in paper over 100 sheets (excluding sequence listing or computer program listing filed in an electronic medium). The fee is \$250 for each additional 50 sheets of paper or fraction thereof.									
Total Sheets	Extra sheets	Number of each additional 50 or fraction thereof (round up to a whole number)		RATE					
- 100 =	/50 =			x \$250.00	\$ 0.00				
Surcharge of \$130.00 for furnishing the oath or declaration later than 30 months from the earliest claimed priority date (37 CFR 1.492(e)).									
CLAIMS	NUMBER FILED	NUMBER EXTRA	RATE		\$				
Total claims	10 - 20 =	0	x \$50.00	\$ 0.00					
Independent claims	1 - 3 =	0	x \$200.00	\$ 0.00					
MULTIPLE DEPENDENT CLAIM(S) (if applicable)				+ \$360.00	\$ 0.00				
<b>TOTAL OF ABOVE CALCULATIONS =</b>				<b>\$1000.00</b>					
<input type="checkbox"/> Applicant claims small entity status. See 37 CFR 1.27. The fees indicated above are reduced by 1/2.									
<b>SUBTOTAL =</b> \$1000.00									
Processing fee of \$130.00 for furnishing the English translation later than 30 months from the earliest claimed priority date (37 CFR 1.492(f)).									
<b>TOTAL NATIONAL FEE =</b> \$1000.00									
Fee for recording the enclosed assignment (37 CFR 1.21(h)). The assignment must be accompanied by an appropriate cover sheet (37 CFR 3.28, 3.31). \$40.00 per property									
<b>TOTAL FEES ENCLOSED =</b> \$1000.00									
<table border="1"> <tr> <td>Amount to be refunded:</td> <td>\$</td> </tr> <tr> <td>Amount to be charged:</td> <td>\$</td> </tr> </table>						Amount to be refunded:	\$	Amount to be charged:	\$
Amount to be refunded:	\$								
Amount to be charged:	\$								
<p>a. <input checked="" type="checkbox"/> A check in the amount of \$ 1,000 to cover the above fees is enclosed.</p> <p>b. <input type="checkbox"/> Please charge my Deposit Account No. _____ in the amount of \$ _____ to cover the above fees. A duplicate copy of this sheet is enclosed.</p> <p>c. <input checked="" type="checkbox"/> The Commissioner is hereby authorized to charge any additional fees which may be required, or credit any overpayment to Deposit Account No. 50-1170. A duplicate copy of this sheet is enclosed.</p> <p>d. <input type="checkbox"/> Fees are to be charged to a credit card. <b>WARNING:</b> Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.</p>									
NOTE: Where an appropriate time limit under 37 CFR 1.495 has not been met, a petition to revive (37 CFR 1.137(a) or (b)) must be filed and granted to restore the International Application to pending status.									
SEND ALL CORRESPONDENCE TO:									
Boyle Fredrickson Newholm Stein & Gratz									
250 East Wisconsin Avenue, Suite 1030									
Milwaukee, Wisconsin 53202									
 SIGNATURE Timothy E. Newholm NAME 34,400 REGISTRATION NUMBER									



BOYLE  
FREDRICKSON  
NEWHOLM  
STEIN&GRATZ sc

10/526265  
DT06 Rcc & PCT/PTO 02 MAR 2005 SUITE 1030  
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INTELLECTUAL PROPERTY LAW

TIMOTHY E. NEWHOLM  
DIRECT DIAL: 414-225-1667  
[TEN@BOYLEFRED.COM](mailto:TEN@BOYLEFRED.COM)

March 2, 2005

Mail Stop Patent Application  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Re: Utility Patent Application Transmittal  
U.S. Patent Application Ser. No. (not assigned)  
National Phase of PCT/EP03/09822  
Inventor: Franz Riedl  
Title: *Soil Compacting Device Comprising an Undercarriage*  
Assignee: Wacker Construction Equipment AG  
Customer Account No.: 23598  
Our Ref: 72.100

Dear Sir:

Enclosed in connection with the above-identified national phase patent application are:

- the national phase application, consisting of:
  - 8 pages of specification,
  - 11 claims on 2 sheets, and
  - 2 Drawings on 2 sheets;
- a Transmittal Letter to the United States Designated/Elected Office (DO/EO/US) Concerning a Submission Under 35 U.S.C. 371;
- our check in the amount of \$1,000.00 in payment of the government filing fee for the patent application;

- a Preliminary Amendment (1) entering amendments made to the international application under Article 34, (2) entering headings suggested by the USPTO, (3) amending the claims without narrowing the claims and without adding new matter, (4) eliminating multiple dependencies and otherwise placing the claims into conformance with preferred USPTO practice, and (5) adding an Abstract. Please enter the Preliminary Amendment before determining the filing fees; and
- an Information Disclosure Statement (IDS), Form PTO-1449, and a copy of the cited document;
- an executed Declaration;
- an executed Assignment to Wacker Construction Equipment AG;
- a recordation cover sheet; and
- an Appointment of Domestic Representative.

**Applicant(s):**

<u>Name</u>	<u>Residence</u>
Franz Riedl	Munchen, Germany

**Assignment for Published Application:**

Wacker Construction Equipment AG

**Power of Attorney:**

Those attorneys associated with Customer Account No. 23598.

**Small Entity Statement:**

Not applicable.

**Domestic Priority data as claimed by applicant:**

This application is a 371 of PCT/EP03/09822; filed 4 September 2003  
(04.09.2003).

Commissioner for Patents

March 2, 2005

Page 2

10/526265

DT06 Rec'd PCT/PTO 0 2 MAR 2005

**Foreign Application(s):**

Germany 102 41 200.6; filed 5 September 2002 (05.09.2002).

**Non-Publication Request:**

Not applicable.

**Deposit Account Authorization**

The Director is hereby authorized to charge payment of any additional fees associated with this communication or credit any overpayment to Deposit Account No. 50-1170.

Respectfully submitted,



Timothy E. Newholm  
Registration No. 34,400

Enclosures

**Certification Under 37 CFR 1.10**

Express Mail Label No: **EV339662048US**

Date of Deposit: **March 2, 2005**

I hereby certify that this paper or fee is being deposited with the United States Postal Service in "Express Mail Post Office to Addressee" service under 37 CFR 1.10 on the date indicated above and is addressed to the Mail Stop Patent Application, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.



Jodi A. Calderon